



Isiah Leggett  
County Executive

# CONSTRUCTIVE COMMENTS

## MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

January 2011

Carla Reid  
Director

<http://www.montgomerycountymd.gov/permittingservices/>



Carla Reid, Director  
Department of Permitting Services

### **REID THIS!**

We have a lot to say in our newsletter this quarter. So much is happening; some things are changing. This edition of Constructive Comments contains information about key changes and events that are coming up now and in the near future. Next, we focus in on reminding or informing you about new and existing policies and procedures. To give you incentive to **REID THIS**, I will make my message short and succinct.

I know you will be surprised to hear that DPS is not perfect. Never has been; never will be. We recognize that we always can do and be better. We are open to making improvements. We are constantly improving ourselves, reaching out to our stakeholders, tweaking how we do business, and evaluating our regulatory service offerings.

Good is simply not good enough for us. Good is just good. Our internal compasses keep us tuned into a truth that author Jim Collins wrote, "good is the enemy of great." Anything less than great means settling for less. It is unacceptable to us. You are worthy of our greatest greatness, and we are aiming to provide it everyday.

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## OUTREACH AND APPRECIATION

### DPS EMPLOYEE APPRECIATION DAY

On Thursday, November 4, 2010 DPS took time out to appreciate all DPS employees. Once a year DPS celebrates its employees with peer nominated awards and longevity awards. This year DPS combined the awards celebration with the Employee Giving Campaign and Diversity Day. Employees participated in games and a raffle to benefit the Employee Giving Campaign. Employees also brought homemade dishes from their respective countries of origin to celebrate the diversity of the department. In addition to the many employees who received the length of service awards for 5, 10, 15, 20, 25, 30 and 35 years of service, the following employees were selected by their peers for awards.

### Exceptional Service Award – Mark Etheridge

Criteria/Eligibility: The Exceptional Service Award is the Department's highest level of recognition of an individual's outstanding government service and exemplary support of Department or departmental programs. An individual may receive this award only once. The award requires the demonstration of outstanding skills and abilities over an extended period of time (minimum of three years) as may be evidenced by a clear record in administration or by noteworthy contributions to specific Departmental initiatives and/or programs.

## Employee of the Year

**Richard Brush, William Campbell,  
Helen Smith, Pete Hrycak**

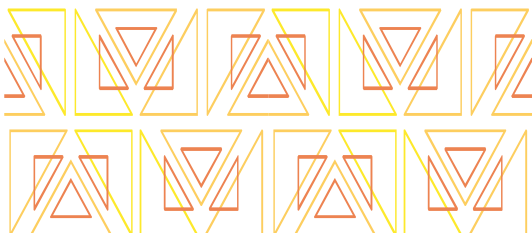
**Criteria/Eligibility:** Selections for this award will be made from nominations of Department employees based upon the demonstration of the employee's high standards, personal accountability, and ethical behavior in support of departmental programs.

## Customer Service Award – Kim Beall

**Criteria/Eligibility:** The Customer Service Award is granted to individuals or teams of Department employees or volunteers who provided customer service excellence far and above that normally required. Qualifying service may involve official duties or voluntary activities that significantly contributed to Department initiatives and programs.

## Department Partnership Award – David Niblock

**Criteria/Eligibility:** This award recognizes individuals, or teams of Department employees or volunteers, who developed collaborative relationships with intergovernmental partners, or private sector individuals or organizations, that significantly contributed to the accomplishment of Department programs as a result of exemplary teamwork, cooperation, and collaboration.



Left to right: Peter Hrycak— Inspector of the year (and accepting on behalf of David Niblock - Partnership Award); Rick Brush—Manager of the Year; Mark Etheridge—Exceptional Service; Helen Smith—Permit Technician of the Year; Bill Campbell—Plan Reviewer of the Year; Kim Beall—Customer Service



Left to right: Simin Rasolee, DPS Employee Giving Coordinator and Erin Von Nessen, winner of Giving Campaign raffle IPOD prize.



## DPS Outreach Events



Annual Salvadoran Festival 9/12/10  
Montgomery County Fair Grounds



Taste of Bethesda 10/2/10



Kensington Volunteer Fire Department  
Fire and Safety Jamboree 10/3/2010

## POLICY AND PROCEDURE REMINDERS

### DPS CODE OFFICIALS PLAY A PART IN ESTABLISHING NATIONAL ENERGY EFFICIENCY POLICY

#### ICC Conference Charlotte North Carolina – October 25-31, 2010



#### Conference Attendees

Back Row Left to Right: Melvin Stanbrough, Christopher Dabrowski, Steve Thomas, Tommy Howes, Mike Raffael. Front Row Left to Right: Kang Yung-Tsung, Phil Wacławski, Paul Toschi, Michael Adu, Laywola Afinnih, Simin Rasolee

History was made in Charlotte North Carolina as the government Code Officials voted for the most stringent Energy-Efficient New Homes, and Commercial Building Codes ever in U.S. national energy and environmental policy. ICC will consider the results of this conference when adopting the 2012 Internal Energy Conservation Code.

The U.S. Department of Energy, the U.S. Conferences of Mayors, the National Association of State Energy

Officials, Governors, Congress, lawmakers and the broad based Energy Efficient Codes Coalition collaterally sought for 30% energy efficiency improvement through codes established by International Code Council (ICC).

The International Code Council held the Final Action Hearings on the 2012 Internal Energy Conservation Code (IECC) on October 25-31, 2010 in Charlotte North Carolina. Through five days of rigorous hearings more than 500 Code Official voting members, representing local governments of all 50 United States, and Canada, evaluated the testimony given, and voted on hundreds of energy saving proposals.

The Metropolitan Washington Council of Government (COG) was represented by more than 60 voting Code Official members. This included 12 voting Code Officials from the Department of Permitting Services representing Montgomery County Maryland, and COG. COG as the energy efficiency leader provided travel scholarships to voting Code Officials, and covered travel, lodging, and all expenses associated with attending the hearings at the conference.

The Department of Permitting Services voting Code Officials proudly played a vital role in voting for 30% more energy efficiency which will have a profound impact on national energy, and significant energy savings for future generations, while also allowing for the retention of some market place choices. According to a study, led by the Institute of Market Transformation (IMT), each dollar spent on code compliance yields

a six-fold payoff in energy savings, saving American consumers an eventual \$10.2 billion annually. To meet the 30% goal in the residential code, voting officials added a number of improvements. The whole building energy efficiency approach for residential improvements addressed the following aspects of residential and commercial building construction:

- Ensure that new homes are better sealed to reduce heating and cooling losses
- Improve the efficiency of windows and skylights
- Increase insulation in ceilings, walls, and foundations
- Reduce wasted energy from leaky heating and cooling ducts
- Improve hot-water distribution systems to reduce wasted energy and water in piping
- Boost lighting efficiency

#### *Commercial Gains Match*

*Residential:* The joint DOE/New Buildings Institute/American Institute of Architects package for new commercial buildings includes continuous air barriers and day lighting controls, increases the number of climate zones where economizers are required and offers designers and developers a choice of three paths to increase efficiency:

- Using renewable energy
- Incorporating more efficient HVAC equipment
- More efficient lighting systems



DPS conference attendees ready to vote.

## **STORMWATER MANAGEMENT – ADMINISTRATIVE WAIVERS FOR GRANDFATHERING**

### **Guidance:**

Bill 40-10 Stormwater Management Revisions was enacted by the Montgomery County Council on July 27, 2010 and revises the stormwater management standards for the County. There are no automatic provisions for grandfathering in the Bill. However, Section 19-21A of the Code allows the Department of Permitting Services to grant administrative waivers for projects or developments that received preliminary project approval before May 4, 2010.

Please note that preliminary project approval does not directly equate to a previously approved stormwater management concept plan. Likewise, it does not directly equate to an approved preliminary or site plan. The definition comes directly from State regulations and was required by the Maryland Department of the Environment to be used without modification. The definition can be found in Section 19-21 of the Montgomery County Code. Projects that do not meet this definition cannot be considered for an administrative waiver.

### **Submissions Requirements:**

To request an administrative waiver please submit the following:

1. An Application for Stormwater Management Concept. The application form has been amended to include administrative waivers.

2. Please submit separate applications for each site plan or preliminary plan.
3. The application should include cover letter and narrative. Provide justification for the issuance of an administrative waiver in compliance with the Code. Include the dates of approval for stormwater management concept plans, water quality plans, preliminary plans, and site plans. If a preliminary plan or site plan is not currently approved, please give the expected date of approval by the Planning Board.
4. Include fees. Use the fee schedule for revisions to stormwater management concept plans.

The issuance of administrative waivers does not modify or remove conditions to previously approved stormwater management concept plans, water quality plans, preliminary plans, or site plans. It only provides a means for the grandfathering, as established in the County Code.

This policy is posted on the DPS Website under the Water Resources link as noted on the right side menu bar of the DPS homepage <http://montgomerycountymd.gov/permitting/services/> or for further inquiries regarding Administrative Waiver information, please call 311 in Montgomery County or 240-777-0311 outside of Montgomery County and request to speak with a Land Development Permit Technician.



## **DPS LAND DEVELOPMENT WATER RESOURCES SECTION UPDATE**

### **When the unthinkable happens.....**

Imagine either a summer storm that destroys your home to the point that it is inhabitable or even worse; a fire occurs that completely destroys your home. The only priority in your mind is to regroup and pick up the pieces to rebuild and get life back to some semblance of normalcy.

When an event, such as the above examples suggest, outside of human control occurs, that damages a single family residential structure, DPS will require a valid Sediment Control Permit for reconstruction activities in accordance with Chapter 19 of the Montgomery County Code for any land disturbance greater than 5000 square feet or movement of 100 cubic yards or greater of earth.

Stormwater management consideration for reconstruction of single family residential structures is not required based on the condition of the lot ownership remaining the same. Any transfer of ownership of the lot invalidates this policy.

Engineered sediment control plans as defined in Chapter 19 will not be required for plans subject to this policy.

If you have any questions or require further clarification concerning this policy, call 311 in Montgomery County or 240 777-0311 outside of Montgomery

County and request to speak to a DPS Land Development Water Resources Plan Review Section. MC311 will refer your call to DPS and a reviewer will contact you to discuss any questions you may have.

## **RIGHT OF WAY PERMIT POLICY CLARIFICATION**

**Alert to all builders requesting driveway permits in new subdivisions where the developer has an engineered paving permit for construction of new roadways.**

DPS has issued a clarification of policy for driveway permit issuance based on a previous policy implemented June 13, 2006. This policy is posted on the DPS Website under the Roads link as noted on the right side menu bar of the DPS homepage <http://montgomerycountymd.gov/permittingservices/>

Currently applicants working in new subdivisions are required to produce a "Letter of Permission" in order to utilize the developer's paving permit at the time of building permit application; otherwise, they must file for a new driveway permit. The "Letter of Permission" is valid for one year from date originally written.

Goals established for requiring the driveway permit application or paving "Letter of Permission" at the time of building permit application are:

- Eliminating unnecessary driveway applications when the paving permit covers the

- driveway aprons
- Increased coordination of street paving and individual lot construction
- Increased efficiency and timeliness of subdivision review within new building permits

Building permit applications submitted using an incorrect driveway or paving permit number (ie. Subdivision, street or lot/block is not the same as the building permit) will be assessed a building permit revision fee in accordance with Executive Regulation 11-08. Keep in mind that driveway permit application filing fees are non-refundable.

Paving Permits currently applied for have the option of including all driveway aprons or no driveway aprons. Cost estimates including only a portion of the total project driveway aprons will not be accepted.

For further inquiries regarding lots covered under a paving permit, or for driveway permit information, please call 311 in Montgomery County or 240-777-0311 outside of Montgomery County and request to speak with a Land Development Permit Technician.



## DO YOU QUALIFY FOR A WSSC SYSTEM DEVELOPMENT CHARGE (SDC) EXEMPTION?

Development projects in Montgomery County may be eligible for a partial exemption from the System Development Charges (SDC) paid to WSSC for certain qualifying projects. The exemptions are granted for qualifying projects in three categories. The categories are as follows:

**Biotechnology** research and development or manufacturing Defined as any activity that substantially involves research, development or manufacturing of: biologically active molecules; devices that employee or affect biological processes; or devices and software for production or management of specific biological information.

**Elderly Housing** as defined in the following sections of the Montgomery County Zoning Ordinance: Section 59-G-2.35. Housing and related facilities for elderly or handicapped persons; Section 59-G-2.35.1 Life Care (continuing care) facility; Section 59-C-7.4. Housing constructed in a planned retirement community zone; or as defined in a municipal zoning ordinance in a municipality having separate zoning powers and that is found by the Director of the Department of Housing and Community Affairs to be equivalent to the definition for the County in which the municipality is located. (Attach Special Exception if use is as defined in 59-G-2.35 or 59-G-2.35.1)



**Projects constructed in one of the following Revitalization Areas**

- ☐ Wheaton
- ☐ Four Corners
- ☐ Montgomery Hills
- ☐ Damascus
- ☐ Longbranch
- ☐ Clarksburg
- ☐ Kensington
- ☐ Germantown
- ☐ Glenmont
- ☐ Sandy Spring
- ☐ Silver Spring
- ☐ Cloverly
- ☐ Colonial Veirs Mill
- ☐ Boyds

The SDC exemption is limited to \$50,000 per project, and an annual limit of \$500,000 for all projects in Montgomery County. Any unused amount in a given year is carried forward to future years.

If you would like to know if your property is located in a Revitalization Area, or if your project qualifies as Elderly Housing, contact Lisa Schwartz in the Department of Housing and Community Affairs at 240-777-3786. For information regarding a Biotechnology project, contact Bernadette G. Musselwhite in the Department of Economic Development at 240-777-2045. For information about the SDC application and exemption, contact Alicia Thomas in the Department of Permitting Services at 240-777-6392.



**HOW WILL I KNOW WHEN MY BUILDING PERMIT IS READY TO BE PICKED UP?**

“When will my building permit be ready?” DPS staff gets asked that question several times a day. Plan review times vary depending on the type of permit. And, of course, the faster you submit corrections or answer questions raised by the plan reviewer, the quicker your permit may be ready to be issued.

Currently, there are two ways to know when your building permit is ready to be issued.

(1) One of the easiest and quickest ways to know if your building permit is ready is to check our website: [www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices). On the DPS Homepage you may search for your permit by permit type and permit number or by address. On the DPS/Application Details page you will see what reviews and conditions have been completed and what remains outstanding. If you have your contact ID and your PIN number you will also see what fees are due. Fee information is only available to the applicant for the permit.

(2) Also, you may call 311 in Montgomery County or 240-777-0311 outside of Montgomery County to inquire about the status of your permit.

Starting in January 2011, if you have provided DPS with your email address, you will receive an email notification when your permit is ready to be issued and picked up. You will also be notified of the fees due. You will have thirty (30) days from that notification to pick up your permit or to notify DPS in writing the date you will pick up the permit.

## NEW AND IMPROVED RESOURCES

### CALCULATE YOUR COMMERCIAL BUILDING PERMIT FEE IN ADVANCE

DPS has developed a worksheet to help you determine the permit fees for Commercial Building permits prior to permit issuance. The worksheet, "DPS-Building Permit Worksheet" is located at the following link [http://  
permittingser-  
vices.montgomerycountymd.gov/  
permitting/docs/forms/  
DPSBuildingValuationExam-  
pleIBC2009.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/DPSBuildingValuationExampleIBC2009.pdf) . The IBC Building Valuation table and several sample worksheets with fee formulas are part of the package. If you have questions or need additional information call 311 in Montgomery County or 240-777-0311 outside of Montgomery County.

### NEW CHECKLISTS ONLINE

Go to the following links to see our newest checklists.

Commercial Canopies  
[http://  
permitting-services.montgomerycountym  
d.gov/permitting/docs/forms/  
CommercialCanopiesChecklist.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/CommercialCanopiesChecklist.pdf)

Commercial Change of Use  
[http://  
permitting-services.montgomerycountym  
d.gov/permitting/docs/forms/  
CommercialChangeOfUseChecklist.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/CommercialChangeOfUseChecklist.pdf)

Commercial Dumpster Enclosures  
[http://  
permitting-services.montgomerycountym  
d.gov/permitting/docs/forms/  
CommericalDumpsterEnclosuresCheckl  
ist.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/CommericalDumpsterEnclosuresChecklist.pdf)

Commercial Retaining Walls  
[http://  
permitting-services.montgomerycountym  
d.gov/permitting/docs/forms/  
CommericalRetainingWallsChecklist.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/CommericalRetainingWallsChecklist.pdf)

Commercial Satellite Dishes  
[http://  
permitting-services.montgomerycountym  
d.gov/permitting/docs/forms/  
CommericalSatelliteDishesChecklist.pdf](http://permitting-services.montgomerycountymd.gov/permitting/docs/forms/CommericalSatelliteDishesChecklist.pdf)

Minimum Data for Submittal of  
Commercial Plans  
[http://permitting-services.montgomeryco  
untymd.gov/permitting/pdf/MinimumDat  
aForSubmittalOfCommercialPlans.pdf](http://permitting-services.montgomerycountymd.gov/permitting/pdf/MinimumDataForSubmittalOfCommercialPlans.pdf)

### NEW INSPECTION FORM FOR RESIDENTIAL DUCT SEALING

Section 403.2.2 of the International Energy Conservation Code, 2009 edition, requires that all new ducts, filter boxes and building cavities used as ducts be tested for tightness when all or part of the air handler or ductwork are located outside conditioned space. The requirements of this section are applicable to duct systems installed in new one- and two-family dwellings and their additions.

The Department of Permitting Services (DPS) will accept a prescribed report,

“Residential Inspection Report/ Certification Duct Sealing, “ posed on the DPS website, Inspections page, <http://permittingservices.montgomerycountymd.gov/permitting/pdf/ResidentialInspectionReport-CertificationforDuctSealing.pdf> in lieu of inspecting this phase of construction. The test results must be certified by a contractor possessing a State of Maryland Master Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) license, a professional engineer licensed Maryland, or the permit holder.

## **EFFICIENCY IMPROVEMENTS IN DPS COMMERCIAL COMBINATION INSPECTORS CREATED**

In order to improve customer service and the efficiency in the Department of Permitting Services the following changes will be effective January 2011. The commercial Building and commercial Mechanical inspectors, who now perform separate inspections, will be combined into one unit. These commercial combination inspectors perform both mechanical and building inspections.

Customers requesting close in/ concealment and final inspections on projects where there are both a building and a mechanical permit(s) will need to request both mechanical and building inspections at the same time since one inspector will be performing both inspections.

There will be six inspectors assigned to this program: Vito Bellafiore, Doug Dye,

Roy Harrington, Bill Kenealy, Sunil Manocha, and Randy Simmons. Last year these six inspectors performed 12,268 inspections during 3,528 stops. The combination inspection program will cut the number of stops in half. These inspectors will also be performing inspection to ensure compliance with the 2009 International Energy Conservation Code on permits applied for on or after July 19, 2010.



Combination Inspectors in Training  
Left to Right: Doug Dye, Vito Bellafiore, Sunil Manocha, Roy Harrington, Randy Simmons, Bill Kenealy, and Instructor Hemal Mustafa

## **TIME SENSITIVE ACTION REQUIRED**

### **DPS TO ENFORCE ZONING TEXT AMENDMENT 09-03 HOME OCCUPATIONS AND RESIDENTIAL OFF-STREET PARKING EFFECTIVE APRIL 24, 2011**

The County Council adopted Zoning Text Amendment (ZTA) 09-03 Home Occupations and Residential Off-Street Parking on October 26, 2010 and it is effective April 24, 2011. This ZTA amends the Montgomery County Zoning Ordinance to:

- Amend the provisions and definitions concerning home occupations;
- Amend the provisions for violations;
- Amend the definition of a commercial vehicle;
- Add a definition of a light commercial vehicle;
- Add definitions associated with off-street parking and home occupations;
- Require a use and occupancy permit for a one family detached dwelling;
- Limit the amount of surfaced area in front yards for certain one-family zones;
- Limit parking in front yard to surfaced area;
- Limit off-street parking in clustered agricultural zones;
- Amend the provisions for renewing a special exception for a home occupation; and
- Generally amend the provisions related to home occupations, off-street parking, and violations of the Zoning Ordinance.

A copy of the ZTA can be found on the County Council web site under "Legislation and Resolutions". DPS would like all of its customers to review the approved ZTA and stay tuned for implementation information in the coming months.



## DPS SET TO BEGIN 2011 WATER TABLE & PERCOLATION TESTS



The tentative dates for the 2011 Montgomery County water table testing season are **February 1 through April 15, 2011**. These dates are subject to change based upon precipitation amounts during the months just previous to the test season.

Water table and percolation tests are required to insure that on-site sewage disposal systems (septic systems) will function properly and not contaminate the underground drinking water aquifer.

A water table test is required for all proposed sewage disposal areas. This test, which consists of single or multiple excavations, determines the presence and depth to any "perched" water tables. Water can "perch" on top of slowly or non-permeable soil layers during periods of normal winter precipitation. These tests help insure that sewage disposal systems are located at least four (4) feet higher in the soil profile than any water table.

Upon the successful completion of the water table evaluation, percolation tests can be conducted to determine the permeability of the soil.



Properties that are existing parcels, exempt from the subdivision provisions of the Maryland National Park & Planning Commission (M-NCPPC) will be subject to an application deadline of **Friday April 1, 2011**. Properties that are being subdivided; and other properties that need to be approved under the subdivision provisions of M-NCPPC will be subject to an application deadline of **March 1, 2011**. By this date, application for review by M-NCPPC must be submitted to that agency so that the preliminary **DRC** (Development Review Committee) meeting can take place prior to the end of the water table season. Plans submitted to M-NCPPC after **March 1, 2011** are at risk for missing the 2011 testing season.

For additional information please contact the Well & Septic Section at **240-777-6319**.



## DPS EMAIL ADDRESS DISABLED

On **January 3, 2011** this email address, [DPS@montgomerycountymd.gov](mailto:DPS@montgomerycountymd.gov), will be disabled and will no longer receive and respond to requests for information and service.

To request information or service, please visit the MC311 Portal at [www.montgomerycountymd.gov/311](http://www.montgomerycountymd.gov/311) or call 240-777-0311 to speak with a Customer Service Representative.

## RENEWAL LICENSES FOR JOURNEYMAN ELECTRICIANS AND MASTER ELECTRICIANS

**EFFECTIVE JANUARY 3, 2011**

Photos for new and renewal application packages for Journeyman Electricians and Master Electricians must be emailed to:

[DPSElectricalPhotos@montgomerycountymd.gov](mailto:DPSElectricalPhotos@montgomerycountymd.gov)

Please note this email address only accepts photos for electrical licenses.



Dear Nancy

The article "Places of Worship: Taking the Mystery Out of the Permitting Process" in your October issue of Constructive Comments was very informative. Do you have a handout or brochure I could take to my place of worship?

Friend of DPS

Dear Friend of DPS

DPS and Maryland National Capital Park and Planning Commission developed a brochure especially for places of worship trying to build or expand. Go to the link below.  
<http://permittingservices.montgomerycountymd.gov/permitting/pdf/BuildingOrExpandingAPlaceOfWorship.pdf>

Nancy